

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MALIBU MEDIA, LLC,

*

Plaintiff,

*

CASE NO. 1:14-cv-00660-GLR

v.

*

**JOHN DOE subscriber assigned IP address
98.204.121.246,**

*

*

Defendant.

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**PLAINTIFF'S FIRST MOTION FOR EXTENSION OF TIME
WITHIN WHICH IT HAS TO SERVE JOHN DOE DEFENDANT
WITH A SUMMONS AND COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to serve John Doe Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their internet service provider ("ISP").

2. On March 12, 2014, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP, Comcast Corporation, to obtain the Defendant's identifying information [CM/ECF 8]. Plaintiff issued the subpoena on or about March 12, 2014, and expected to receive the ISP's response by May 2, 2014.

3. To date, Plaintiff has not received a response to the subpoena because Defendant filed a Motion to Intervene, Consolidate and Stay, and a Motion Preclude Evidence and Dismiss, which currently remain pending before the Court [CM/ECF 10, 12]. The ISP has advised that it

is unable to produce the Defendant's identity to Plaintiff until after the pending motions have been adjudicated.

4. Pursuant to Rule 4(m), Plaintiff had until July 4, 2014, to effectuate service of the summons and Complaint upon Defendant. As Plaintiff does not yet know Defendant's true identity, it is been unable to complete service on them by the current deadline.

5. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on Defendant be extended until at least thirty (30) days after this Court enters a ruling on the pending motions. Such extension will allow undersigned sufficient time within which to obtain the Defendant's true identity, should the Court rule in Plaintiff's favor, confer with Plaintiff regarding service, and prepare the appropriate pleadings to effectuate service on the Defendant.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the John Doe Defendant be extended until thirty (30) days after the Court enters a ruling on the pending Motions [CM/ECF 10 & 12]. A proposed order is attached for the Court's convenience.

Dated: July 7, 2014

Respectfully submitted,

MALIBU MEDIA, LLC.
PLAINTIFF

By: /s/Jon A. Hoppe
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Counsel
Maddox, Hoppe, Hoofnagle &
Hafey, L.L.C.
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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/Jon A. Hoppe